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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert William Phippen

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06/30/2006

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/764,610

Applicant(s)

PHIPPEN ET AL.

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shear (5,627,972) and Ogawa et al (5,608,874).

3. As per claims 1, 7, 13 & 14 Shear disclosed a message transformation selection tool for use in a distributed message processing system, said system including message transformation means for transforming an input message in any of a plurality of formats recognized by one component of said system into an output message in one of a plurality of different formats recognized by another component of said system and a message log for storing representative samples of messages processed by the respective system components; said selection tool comprising : means for determining the compatibility of each field of each of said plurality of input message a formats with one or more fields of said plurality of output message formats (col.3, lines 40-59, col.4, lines64-67 & col.5, lines 1-9); means for analyzing the message fields in the representative samples of messages stored in said message log to get a statistical analysis of the values of the message fields (col.2, lines 28-32, col.3, lines 60-67 & col.4, lines 1-37).; selection means responsive to said compatibility determination and said statistical analysis to

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select the best fit output message field into which to transform a given input message field (col.5, lines 60-67 col.6, lines 1-37 & col.5, lines 1-9 & col.8, lines 10-39). However Shear did not explicitly disclose a statistical analysis of the values of the message field and using the said statistical values in the transformation decision.

In the same field of endeavor Ogawa disclosed a statistical analysis of the values of the message field and using the said statistical values in the transformation decision (col.2, lines 30-65).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated statistical analysis of the values of message field in the message transformation selection tool as described by Shear in order to effectively transform the message into a specific format resulting in an efficient and robust transformation tool.

4. As per claims 2 & 8 Shear-Ogawa disclosed a tool as claimed in claim 1 in which said means for statistical analysis produces the numerical distribution of values in said message fields, said selection means selecting the best fit distribution for all said compatible fields (Shear, col.7, lines 56-67).

5. As per claims 3 & 9 Shear-Ogawa disclosed a tool as claimed in claim 1 in which said selection means ranks output message fields according to the results of the statistical analysis (col.8, lines 26-39).

6. As per claims 4 & 10 Shear-Ogawa disclosed a tool as claimed in claim 1 in. which said system further includes a message repository manager for storing meta-data for said two

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pluralities of message formats, said compatibility determining means basing its determination of compatibility on said meta-data (col.2, lines 28-32, col.3, lines 60-67, col.4, lines 1-37 & col.8, 57-62).

7. As per claims 2 & 8 Shear-Ogawa disclosed a5 & 11 tool as claimed in claim 4 in which the values of said message fields include numerical values and said means for statistical analysis is arranged to analyze the range of numerical values in the respective fields and to augment said meta-data with said range of values (col.2, lines 28-32, col.3, lines 60-67 & col.4, lines 1-37).

8. As per claims 6 & 12 Shear-Ogawa disclosed A tool as claimed in claim 4 in which said means for statistical analysis produces the numerical distribution of values in said message fields, said selection means selecting the best fit distribution for all said compatible fields and in which said meta-data for each field includes said distribution of numerical values for said field (col.2, lines 28-32, col.3, lines 60-67 & col.4, lines 1-37).

### ***Response to Arguments***

9. The examiner has corrected the patent number discrepancy regarding the Ogawa reference in this office action.

10. The examiner would like point out that the applicant refers Shear as Spear, which can be corrected in future correspondence.

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11. Applicant's arguments filed 11 April 2006 have been fully considered but they are not persuasive.

12. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

13. Applicant argued that in shear the message stored in its archiving system are merely stored and are not utilized in the translation process.

14. As to applicant's argument Shear further on col.5, lines 63-67 & col.6, lines 1-5 disclosed an initial step 82 in which access object or model, associated with the source message 16 (and also for target message) is created and stored in translator system 20. According to the teachings

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of the proffered embodiment of this invention, the access model is adapted to recognize data objects, which are described in step 84. This data object recognition is accomplished by various pre and post conditions, which occur in relation to the desired data object, contained within the message. Therefore it is not merely an archiving system as stated by the applicant.

15. Applicant on third paragraph of page 9 argued that Ogawa fails to teach getting a statistical analysis of the values of the message fields in the message log.

16. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

17. Finally the examiner would like to advice the applicant to incorporate more details into the independent claims in such a way that clearly show the intended claimed invention as described in the specification.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AB

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